

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GERALDINE TRICE,
 Plaintiff(s),

v.

LIBERTY MUTUAL INSURANCE
 COMPANY,
 Defendant(s).

Case No.: 2:20-cv-02139-KJD-NJK

Order

[Docket No. 20]

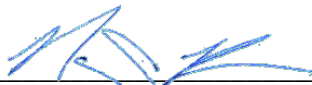
Pending before the Court is a proposed discovery plan filed by Defendant. Docket No. 20. Parties are required to hold a conference early in a case to discuss a variety of issues, including the formulation of a proposed discovery plan. Fed. R. Civ. P. 26(f). Even in instances in which parties do not agree on the contents of a proposed discovery plan, they must still file a joint discovery plan that provides their positions as to how the case should proceed. *E.g.*, Local Rule 26-1(a).¹ A meet-and-confer not having taken place and the pending proposed discovery plan having not been filed jointly, Defendant's proposed discovery plan is **DENIED** without prejudice. Plaintiff must promptly contact defense counsel to conduct the Rule 26(f) conference and the parties must file a joint proposed discovery plan by February 22, 2021.

¹ Defendant has not to date sought a stay of discovery pending resolution of its motion to dismiss. On the other hand, Plaintiff has filed a motion to stay that remains pending. To be clear, the mere filing and pendency of a motion to stay does not automatically result in the imposition of a stay. *E.g.*, *Apple Inc. v. Eastman Kodak Co.*, 2011 WL 334669, at *2 (N.D. Cal. Feb. 1, 2011) (quoting *Willemijn Houdstermaatschaap BV v. Apollo Comp. Inc.*, 707 F. Supp. 1429, 1441 (D. Del. 1989)). To the extent that one or both parties believe that discovery deadlines should not be set at this time given arguments they have with respect to requesting a stay, they may express such positions within the joint proposed discovery plan.

1 **Failure to comply with this order may result in the imposition of sanctions.**

2 IT IS SO ORDERED.

3 Dated: January 22, 2021

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6 Nancy J. Koppe
7 United States Magistrate Judge
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